

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

GARY ZIERKE,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

**4:22CV3215**

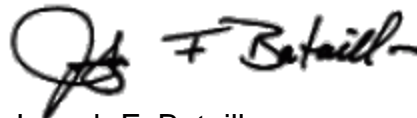
**MEMORANDUM AND ORDER**

On November 10, 2022, the Court directed Petitioner Gary Zierke to pay the \$5.00 filing fee within 30 days or face dismissal of this action. [Filing No. 7](#).<sup>1</sup> To date, Petitioner has not paid the filing fee nor taken any other action in this matter.

IT IS THEREFORE ORDERED that: This case is dismissed without prejudice because Petitioner failed to prosecute it and failed to comply with this Court's orders. No certificate of appealability has been or will be issued. The Court will enter judgment by a separate document.

Dated this 9th day of January, 2023.

BY THE COURT:



Joseph F. Bataillon  
Senior United States District Judge

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<sup>1</sup> The Court's November 10, 2022 order was initially returned as undeliverable. See [Filing No. 8](#). On November 28, 2022, the Clerk of the Court resent the order to Petitioner at his current address listed on the Bureau of Prisons website. See Docket Sheet; see also <https://www.bop.gov/inmateloc/>. Over 30 days have elapsed since the Court's order was resent to Petitioner, and the Court assumes Petitioner received it as the order has not been returned to the Court.